

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Derrick Jerome Davis

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Donna Miller
Southern Health Partners
"See attached"

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

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[REDACTED]
Lt. Chad Cox

Lt. T. Montgomery

Greenwood County Detention Center

Saluda County Detention Center

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Derrick Jerome Davis

All other names by which you have been known:

ID Number

Current Institution

Address

Greenwood Detention Center
528 Edgefield St.
Greenwood SC 29646

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Donna Miller

Job or Title
(if known) Nurse

Shield Number

Employer Southern Health Partners

Address 528 Edgefield St.
Greenwood SC. 29646

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name Stacy Bolden

Job or Title
(if known)

Shield Number

Employer

Address

~~Lt.
Greenwood Detention Center
528 Edgefield St.
Greenwood SC 29646~~

☒ Individual capacity

☐ Official capacity

Defendant No. 3

Name

Job or Title
(if known)

Shield Number

Employer

Address

Lt. Chad Cox
Lt.
Greenwood Detention Center
528 Edgefield St.
Greenwood SC-29646

☒ Individual capacity

☐ Official capacity

Defendant No. 4

Name

Job or Title
(if known)

Shield Number

Employer

Address

Lt. T Montgomery
Lt.
Greenwood Detention Center
528 Edgefield St.
Greenwood SC. 29646

☒ Individual capacity

☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

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Defendant No. 5

Greenwood county Detention Center
528 Edgefield St.
Greenwood SC. 29646

■ Individual capacity ■ official capacity

Defendant No. 6

Saluda County Detention Center
205 east Church St.
Saluda SC. 29138

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th, 14th Amendments along with my
Human Rights. Article 3, 5, 7, 25

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Donna Miller acted under color she
refused me medical treatment, an for
sending me to another jail an fail to

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee

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+tell them that I was on meds

Southern Health Partners: Because that is the company that she works for

and

Lt. Chad Cox, Lt. T Montgomery, [REDACTED]

They all was aware of what was going because I had spoke to them about the matter along with put in an grievance, and that was a health problem an a violation of my Rights that they learned of an ignored an failed to do anything about

Greenwood County Detention Center

Because that is whom all three of the work for an the Detention Center should train there officers to handle things of this nature in a Better fashion.

Saluda County Detention

Because of the the fact that I was placed in a cell without any running water an no toilet No cup, tissue for fore days when that cell should not even been used at all

and I feel that this a pure case of Negligence an Medical malpractice, that has caused me alot of emotional distress as you can see they Have me taking Celexa for depression something that I wasn't taking Befor all of this came about.

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Greenwood county Detention center "
on 7-10-2018 about 11:00-12:00 noon time.
in the holding cell

- C. What date and approximate time did the events giving rise to your claim(s) occur?

7-10-2018 about 11:00-12:00 noon time.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I came to the Greenwood Detention center on
7-10-2018, on as I was in the holding cell waiting
to be booked in, I saw one of my Victim family

Name:	Derrick Davis
Location:	B-Unit
Diet:	ALLERGY TO TOMATO
Comment:	

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member Hear that I know, an she works in the kitchen Hear at the Detention center an she also knows me as well. But I only know her By the name "Quetta". an once she saw me she give me a frown an stuck Her finger up at me. an I know thats because we have had some Bad Blood over the facts of my case. So I was Booked in an placed on a Diet tray because I Have allergies to tomatoes. therefore when I recive my trays It all ways have a tag with my name on it an its Brite orange an all the other tray ar clark brown. an after about a week or so I started to notice that after I would recive a Diet tray I would become sick later that night or the next day with Bad head pain an Belly would be hurting an cramping as well an I would always report it to the officer that Be working the Unit at that time, then I started to notice that I would recive an Diet tray on days when there where no tomatoes, served at all, an my tray Had the same foods as the other trays did, But for some reason my food would be uneatable, so one day I ate my Diet tray an it all came back up, my Roommate got the officer to the Door "Officer Smith" an told him I was sick the officer then had me sent to see the nerse "Donna miller" but all she said was that there was nothing she could do because she has to see the Vomit Herself. But in fact the officer saw it, therefore I wasnt checked or anything Just sent Back to my cell. I then went back an filed an grievance about the fact that I felt my food was being tampered with to Lt. I montgomery. an I also spoke with Lt. Bowman on the Same day I filed the grievance an Lt. Bowman went on talked with Lt. I montgomery about the matter, an she did come back an tell me that Lt. I montgomery told her

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to tell me that the next time I received a tray that smelled, taste, or looked funny save it and show it to her, and I did just that the very next day. an officer smith was working I let him see it and smell it. He then called up front for Lt. I montgomery But she never came to see the tray nor did she call me up to show it to her. so as the days went on my tray kept coming messed up. on one day I received my Diet tray and gave it to my Roommate "marvin Halmes" and just as me it made him sick as well, He had to go to medical and he was given some meds, so a few weeks later as this kept going on I got to speak with Lt. I montgomery along with Lt. Chad Cox about the matter, and once again I told them that I felt that Quetta was tampering with my food, and Lt. Chad Cox told me that He was going to wait until I talked to my lawyer and he would move me to Greenville county Jail closer to my home but he never did. I kept making Reports to Officer. Murry, officer Fry, officer Ervin, officer, Smith, Lt. Bowman and nothing was being did and by this time the whole Detention center knew what was going on. and no action was taken. and then one evening when I was getting my Dinner tray the inmate worker "trustee" gave me a note stating that He Had in fact seen "Quetta" spit in my food and for me to act as if I dropped my tray and he would bring me another one. that was on 10-3-18, I spoke with Lt. I montgomery the very next day along with Lt. Mickey Bolden and told them what the trustee had told me and all they wanted to know was whom said it but I didnt tell them the name of the Trustee, but Lt. Mickey Bolden said He could look on the video and see what had happend in the kitchen with my tray

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But I never heard anything else an "Quetta" was still working in the kitchen. Because I was told By Lt. T Montgomery that she did want to talk to Quetta an let Her know they were on to her, that they wanted to catch Her. So on 10-14-18 I Just stopped eating the food all together because I was scared of being sick or killed by the food an nothing was being done. an me along with my Roommate let the officers know that I wouldn't be eating any more. on 10-24-18 officer Ervin saw that I was very weak an had me sent to see the nurse along with Lt. Chad Cox. an they asked me why wasn't I eating? an I told them, that they already knew the reason as to why! an at this point I was not able to hold food down so I was sent to the ER. to be checked out. I had to get fluids an IV and lots of test But as I was waiting the officer that took me to the ER with name is officer Gresham received a call an was told that had been suspended, then they told me what was told to him an stated that "it took them long enough" so I was done an sent Back to the Detention center I was put on some meds (Bactrim, Zantac, and placed on a soup only Diet But the nurse said there was nothing wrong all my test was good so why was I taking meds? then I was told that Quetta wasn't hear anymore an that I could eat now. I then had to go an give another statement to Lt. Chad Cox when I had told him two different times what had happen, But he wanted me to write it. I did and on 10-26-18 I was shipped to Saluda county Detention center for safe keeping. But did not tell Saluda county of any meds I needed none of the reason why I was there, an I Had on my last day in Greenwood county Detention center asked Donna Miller could I speak

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With Mental Health, she told me to wait til I get to were I'm going. I ended up in Saluda for fore days three of those days I was placed in a cell with no running water none a working toilet none did I receive any meds. I was shipped back to Greenwood on 10-30-18 an was told that Quetta was back, I was placed in a turtle suit an put in cell 209 fore days without Tissue 10/30/18-11/2/18 no cup are water for the first three days 10/30/18-11/1/18 no shower for the first 12 twelve days an I was placed in the turtle suit in Saluda for not eating. But that came from Greenwood not telling them I wasnt eating an why befor I came an that I was on a Soup Diet only an meds. so thats why I was still in it when I got Back to Greenwood an they kept me in it knowing the reason. now on 11/4/18, 11/5/18 an 11/7/18 my trays were not right for lunch an each time I got the officer to send it back but I never received any food back the kitchen would tell the officer to tell me they would dust send me extra for last meal. But I told Him that means I still didnt get lunch so Hows that? even though I never got any extras. on 11/10/18 I received my tray once again with the sticker in my name saying no tamatos an yet its full of them. The mental Health nurse placed me on Celexa for depression an anieity. I told her the kitchen worker an the food is my only problem. I also asked Donna Miller why didnt she tell Saluda that I was on meds an soup Diet, But the first day I get back to greenwood the nurse bring meds to my Door? she didnt respond. my problem is still going on and I only eating the food I get off the canteen

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My name is Marvin Holmes II. I was Derrick Davis's roommate in B-unit for 3 months. I have ate some of Mr. Davis's food off his orange tray a couple of times. I got bad headache's and heart burn everytime I had to get med's from the nurse to stop those problem's. I also have seen him get orange tray's with the same food on it, that I got on a brown tray, his just had way more food on it. And I also over heard a kitchen worker telling Mr. Davis's that his tray had been spit in, so he dropped it on the floor and fixed him another one. There was plenty of other times Derrick would tell the officer's about thing's being wrong with his tray, and the response from the kitchen would be there is no tomatoes on the tray or that they simply didn't have nothing else for him, not even a sandwich. And there are plenty of officer's that said they could see what was wrong with the tray and call the kitchen and there SGT, but nothing was done by the kitchen to fix it.

I declare under Penalty of Perjury that the foregoing is true and correct.

Marvin Holmes

Marvin Holmes

10-25-18

121 Cothran Drive
Greenwood SC 29649

WITNESS: _____

PERSON GIVING STATEMENT: _____

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I Alex Head have witness Mr. Derrick Davis complain about things being wrong with his tray on a lot of different days along with going to medical, and then I didn't see him for a few weeks because they move him to some other part of the jail. But then he was moved next door to me in room 209 and he was wearing a turtle suit, why I don't know and why in room 209 I had to ask the officer why wasn't they feeding him because they was forgetting to feed him. He didn't have any water or tissue in his room for almost a week and also me myself along with other inmates where trying to get the officers to allow him to take a shower because he hadn't had one in about two weeks.

I declare under penalty of perjury
that the foregoing is true and correct

Alex Head 11/23/18

Alex Head

528 Edgefield st

Greenwood sc. 29646

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained a lot of emotional distress along with a lot of pain in my stomach I was taking to the "ER" to be checked on I don't know what the results were because I was never told, But I was put on Bactrim which is an Antibiotic and the mental health nurse put me on Celexa for depression/anxiety and here to this matter.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like compensatory damages of 30,000 against each defendant, jointly and severally. I also seek punitive damages in the amount of 5,000 against each defendant jointly and severally, also and preliminary and permanent injunction ordering an insuring that all defendants cease

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

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do not overlook serious problems and medical needs and to put the safety and well being of the inmates first.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Greenwood County Detention Center
528 Edgefield St. Greenwood SC 29646

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

Greenwood County Detention center
in B-unit

2. What did you claim in your grievance?

my claim was that there was staff the worked
in the kitchen that were related to my
in my case. on that "she" was tampering with
my food

3. What was the result, if any?

I was called up front to speak with
Lt. I montgomery and told her about it along
with the persons name But nothing was
done at that time.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I kept speaking with Lt Chad Cox along
with Lt. Mickey Boland, Lt. I montgomery
along with ms. Donna Miller the Head
medical nurse at the Jail

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Im still going through the same stuff. an officers
are asking me why do they still have me in
Her "Quetta" still hear together

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- _____
- _____

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/28, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

528 Edgefield St.

Greenwood SC.

City

State

29646

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

528 Edgefield St

Telephone Number

864) 354-3665

E-mail Address

NONE